

Staff Report:  
Development  
Standard Variance  
Board of Zoning Appeals  
April 27, 2016

Boone County  
Board of Zoning Appeals

A. Petition Number:	16SC-14-037
B. Applicant:	Joel and Ailigh Vanderbush representing Animalia, Incorporated
C. Identification No:	<b>Tax Identification Number:</b> 009-058-8000
D. Location:	The location of this petition is 6584 West County Road 800 North; Thorntown, IN 46071.
E. Parcel Size:	<u>Parcel Size</u> The total parcel size is 5.5 acres.
F. Land Use and Zoning:	<u>Present Zoning</u> The present zoning classification of this property is Agricultural Zoning.
G. Action Requested:	<b><u>Variance Request 1-</u></b> Boone County Zoning Ordinance Section IV. Property Development Standards C.2-Accessory Structures  <b><u>Ordinance Standard</u></b> Section IV. Property Development Standards(Page 23) 2. Accessory structures shall be clearly subordinate in height, area, and purpose to the primary structure.



Tax Property Record: The Record Card Indicates approximately 3,200 Square Feet of Accessory Structure versus 2,337 Square Foot Primary Structure which is Utilized for Accessory Use for Cages, Accessory Structure (Sheltering of Animals) and Fencing of Animals in relation to Animalia operation.

**Applicant:** Joel and Ailigh Vanderbush/Animalia, Incorporated  
**Date:** April 27, 2016 BZA Meeting  
**Petition:** Variance for Accessory Structure vs. Primary Structure

<p><b>H. History:</b></p> <p><b>I. Technical Advisory Committee Comments:</b></p>	<p><b>Development Standard Variance Request:</b> The applicant is seeking a Development Standard Variance with the Voluntary Commitments made in conjunction to seek a favorable approval for the request to allow the existing 3,200 square feet of accessory structures on the property to be allowed to be larger in size and purpose to the primary structure (residential dwelling) which is comprised of 2,327 square feet.</p> <p><u>History of Application Submittal</u> This is the first time this item has appeared before the Board of Zoning Appeals.</p> <p><b>TAC Review:</b></p> <p><b>Boone County Surveyors Office</b>-There are no issues or concerns with existing drainage on the property.</p> <p><b>Boone County Health Department</b>-No issues or concerns raised by the requested Variance.</p> <p><b>Boone County Highway Department</b>-The applicant seeks no additional driveway cuts, therefore, the Boone County Highway Department has no issues or concerns with the requested Variance.</p> <p><b>Boone County Soil and Water Conservation District</b> -No comments or concerns with requested Variance.</p>
<p><b>J. Standard for Evaluation-Variance Request:</b></p>	<p><b><i>Standards for Evaluating Variances</i></b> Per Indiana Code SS 36-7-4-918.5, the Board may impose reasonable conditions as part of the approval. Per Indiana Code SS 36-7-4-921(a)(5), the Board may require the owner of the parcel to make a written commitment concerning the use or development of that parcel. In accordance with the Boone County Zoning Ordinance, all of the following conditions must be met in order to grant a Variance:</p> <p><b>1) <i>The variance will not be injurious to the public health, safety, morals and general welfare of the community.</i></b></p> <p><b>APC Staff Comment:</b> The applicant has provided Voluntary Commitments to ensure the requested Variance will not pose any threat to the public, health, safety, morals and general welfare of the community.</p>

<p><b>K. Staff Analysis:</b></p>	<p>2) <i>The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.</i></p> <p><b>APC Staff Comment:</b> As indicated in the enclosed Voluntary Commitments, the applicant has provided voluntary commitments to be recorded with the property which ensure the existing accessory structures would be allowed to be greater in size and purpose to the primary structure. However, as stated in the Voluntary Commitments, any new accessory structure or additions would require the Boone County Board of Zoning Appeals approval. The granting of the requested variance with the Voluntary Commitment attached will ensure the protection for the use and enjoyment of the surrounding property.</p> <p>3) <i>The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought.</i></p> <p><b>APC Staff Comment:</b> The applicant has demonstrated a hardship based on the existing layout of property, including the existing accessory structures, driveways, and general layout. The need for a variance arise based on the existing accessory structures and use being greater in size and purpose to the principal structure “residential dwelling” on the property.</p> <p>Area Plan Staff recommends approval of the requested Development Standard Variance as presented based on the ability to demonstrate compliance with all of the above Statutory Variance evaluation criteria. APC Staff recommends approval of the Development Standard Variance request contingent on the following conditions:</p> <p><b>1) Record Voluntary Commitments</b>          The applicant shall record the enclosed Voluntary Commitments in the Office of the Recorder in Boone County, Indiana.</p> <p><b>2)Discontinued Use of Property</b>          If the Accessory Use of the property is discontinued or abandoned for any reason for more than one year, the subject Development Standard Variance depicted in Attachment “A” is null and void.</p>
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### **3) Enforcement of Voluntary Commitments**

In the event, a violation of the Voluntary Commitments would occur in the future by the current or future owners, the cost for legal remedies for the enforcement of said Commitments will be a cost incurred by the property owner.